

Translation

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PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference Cas 2169PCT/MS	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/EP2003/008672	International filing date (day/month/year) 06 août 2003 (06.08.2003)	Priority date (day/month/year) 09 août 2002 (09.08.2002)
International Patent Classification (IPC) or national classification and IPC G04D 7/00		
Applicant ASULAB S.A.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of <u>5</u> sheets, including this cover sheet.  <input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).  These annexes consist of a total of <u>2</u> sheets.
3. This report contains indications relating to the following items:  I <input checked="" type="checkbox"/> Basis of the report II <input type="checkbox"/> Priority III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability IV <input type="checkbox"/> Lack of unity of invention V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement VI <input type="checkbox"/> Certain documents cited VII <input type="checkbox"/> Certain defects in the international application VIII <input type="checkbox"/> Certain observations on the international application

Date of submission of the demand 13 janvier 2004 (13.01.2004)	Date of completion of this report 17 August 2004 (17.08.2004)
Name and mailing address of the IPEA/EP  Facsimile No.	Authorized officer  Telephone No.

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP2003/008672

## I. Basis of the report

### 1. With regard to the elements of the international application:\*

- ☐ the international application as originally filed
- ☒ the description:  
 pages \_\_\_\_\_ 1-8 \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☒ the claims:  
 pages \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, as amended (together with any statement under Article 19  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_ 1-12 \_\_\_\_\_, filed with the letter of \_\_\_\_\_ 06 July 2004 (06.07.2004)
- ☒ the drawings:  
 pages \_\_\_\_\_ 1/3-3/3 \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☐ the sequence listing part of the description:  
 pages \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_

### 2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

- These elements were available or furnished to this Authority in the following language \_\_\_\_\_ which is:
- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

### 3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

### 4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheets/fig \_\_\_\_\_

### 5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\*

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

\*\* Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.  
PCT/EP 03/08672

## V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

### 1. Statement

Novelty (N)	Claims	1-12	YES
	Claims		NO
Inventive step (IS)	Claims	1-12	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-12	YES
	Claims		NO

### 2. Citations and explanations

Reference is made to the following document:

D1: CH312740 cited by the applicant

1. In claim 1 it is not clear whether the device works only in conjunction with the watch case to which it is applied or whether the device can be made and used independently of the watch case. Since only the first interpretation is possible (see the description, page 2, lines 26 to 28, or page 5, line 35), the current statement is based on the following interpretation of claim 1: "watch including a device...etc.".
- 2.1. Document D1, which is considered the prior art closest to the subject matter of claim 1, describes (the references between parentheses refer to that document) a watch provided with a device for monitoring whether the watch case is watertight, comprising an aneroid pressure gauge located inside the watch case, and with a system (4) for displaying the pressure inside the case.

- 2.2. The subject matter of claim 1 thus differs in that the watch comprises an electronic sensor mounted in the case for measuring fluctuations in the concentration of a gas contained within the case, the results of the measurement taken by the sensor being processed by an electronic processing unit and, if necessary, an alarm signal being triggered.

The subject matter of claim 1 is therefore novel (PCT Article 33(2)).

- 2.3. The present invention can thus be considered to address the problem of immediately alerting the wearer of a watch to a defect with respect to water-tightness using compact, flexible and inexpensive means.

- 2.4. The solution to this problem proposed in claim 1 of the present application is considered to involve an inventive step (PCT Article 33(3)) for the following reasons: although the problem of informing the wearer of a defect with respect to water-tightness is already known in the art (D1), the solution proposed has at least two advantages: firstly, the electronic unit allows the use of means that are more compact, which do not, for example, require mechanical transmission between the pressure gauge and the display system used in D1, that are more flexible, for example with regard to the programmability of the central processing unit, and finally are less expensive to implement in industry. Secondly, although D1 already suggests the use of a visual warning, the electronic unit provides a compact, flexible means of controlling an alarm, it being possible to use electrically triggered alarms.

This type of alarm would have the added advantage of alerting the wearer even when his attention is not focussed on the watch.

2.5. Claims 2 to 5 are dependent on claim 1 and therefore likewise meet the PCT requirements for novelty and inventive step.

3.1. Independent method claim 6 uses a device that is mounted in the watch casing and carries out the steps characterising the operation of the sensor and the processing unit in claim 2. The subject matter of claim 6 is thus novel and inventive.

3.2. Claims 7 to 12 are dependent on claim 6 and therefore likewise meet the PCT requirements for novelty and inventive step.